

Justification for Other than Full and Open Competition

"Source Selection Information – see FAR 2.101 and 3.104"

1. Identification of the agency and contracting activity.

a. Federal agency and contracting activity: HHS, Office of Directors/Office of Research Facilities

b. Sponsoring organization: Office of Acquisitions

c. Project Officer Information:

- **Project Officer name:** Monica Hughes
- **Mailing address:** 9000 Rockville Pike, Building 13, Room 2E47, Bethesda, MD
- **E-mail address:** monica.hughes@nih.gov
- **Telephone number:** 301-451-3629

2. Nature and/or description of the action being approved.

a. Acquisition purpose and objectives: The purpose of this acquisition is to acquire parking spaces for NIH employees at One Democracy Plaza, 6701 Democracy Plaza and Two Democracy Plaza, 6707 Democracy Plaza in Bethesda, MD for the period of performance February 19, 2013 to February 18, 2018. GSA has a lease agreement with the buildings' Lessor for the rental of office spaces for NIH employees at Democracy Plaza. Inclusive in the property lease is the option for NIH to acquire parking spaces via a service contract with the lessor's parking contractor, Property Maintenance Inc. (PMI).

b. Project background: This acquisition is a continuation of government real property leasehold contracts. Although the property leases were procured by GSA, GSA policy is not to lease privately owned vehicle (POV) parking spaces; therefore, this acquisition shall be procured by NIH. Please view attachment A, fourth paragraph. The GSA lease contracts for office spaces at Democracy Plaza is as follows:

GS-11-B12538 at 6701 Democracy Blvd, Bethesda, MD 20817

GS-11-B12537 at 6707 Democracy Blvd, Bethesda, MD 20817

3. Description of the supplies or services required to meet the agency's needs (including the estimated value).

a. Project title: Parking Spaces at Democracy Plaza

b. Project description: Acquisition to acquire 693 spaces at 6707 Democracy Plaza and 383 spaces at 6701 Democracy Plaza. In accordance to FAR Part 7 Acquisition Planning, an acquisition plan was developed to acquire parking services. The content of the acquisition plan will address the requirements of FAR Part 7.105.

• **Requirement type.**

- ☐ Research & development (R&D)
- ☐ R & D support services

X Support services (non-R&D)

- ☐ Supplies/equipment
- ☐ Information technology (IT)
- ☐ Construction
- ☐ Architect-engineer (A & E) services
- ☐ Design-build
- ☐ Other (specify): _____

• **Type of action.**

X New requirement

- ☐ Follow-on
- ☐ Other (specify): _____

• **Proposed contract/order type.**

X Firm-fixed-price

- ☐ Other fixed-price (specify, e.g., fixed-price award-fee, fixed-price incentive-fee): _____
- ☐ Cost-plus-fixed-fee
- ☐ Other cost reimbursement (specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee): _____
- ☐ Time and materials
- ☐ Indefinite delivery (specify whether indefinite quantity, definite quantity, or requirements): _____
- ☐ Other (specify): _____
- ☐ Completion Form ☐ Term form

• **Acquisition Identification number:** Solicitation number NIHOF2013532

c. Total estimated dollar value and performance/delivery period: The period of performance and the total estimated dollar value for this acquisition is as follows:

<u>Base Year: February 19, 2013 to February 18, 2014</u>	<u>Monthly Price</u>	<u>Annual Price</u>
383 acquired parking spaces at 6701 Democracy Plaza	\$ 33,512.50	\$ 402,150.00
693 acquired parking spaces at 6707 Democracy Plaza	\$ 60,637.50	\$ 727,650.00
Total for Base Year	\$ 94,150.00	\$ 1,129,800.00

<u>Option Year 1: February 19, 2014 to February 18, 2015</u>	<u>Monthly Price</u>	<u>Annual Price</u>
383 acquired parking spaces at 6701 Democracy Plaza	\$ 34,661.50	\$ 415,938.00
693 acquired parking spaces at 6707 Democracy Plaza	\$ 62,716.50	\$ 752,598.00
Total for Option Year 1	\$ 97,378.00	\$ 1,168,536.00

<u>Option Year 2: February 19, 2015 to February 18, 2016</u>	<u>Monthly Price</u>	<u>Annual Price</u>
383 acquired parking spaces at 6701 Democracy Plaza	\$ 35,810.50	\$ 429,726.00
693 acquired parking spaces at 6707 Democracy Plaza	\$ 64,795.50	\$ 777,546.00
Total for Option Year 2	\$ 100,606.00	\$ 1,207,272.00

<u>Option Year 3: February 19, 2016 to February 18, 2017</u>		<u>Monthly Price</u>	<u>Annual Price</u>
383 acquired parking spaces at 6701 Democracy Plaza	\$	36,959.50	\$ 443,514.00
693 acquired parking spaces at 6707 Democracy Plaza	\$	66,874.50	\$ 802,494.00
Total for Option Year 3	\$	103,834.00	\$ 1,246,008.00

<u>Option Year 4: February 19, 2017 to February 18, 2018</u>		<u>Monthly Price</u>	<u>Annual Price</u>
383 acquired parking spaces at 6701 Democracy Plaza	\$	38,108.50	\$ 457,302.00
693 acquired parking spaces at 6707 Democracy Plaza	\$	68,953.50	\$ 827,442.00
Total for Option Year 4	\$	107,062.00	\$ 1,284,744.00

Grand estimated total for base year and option years			\$ 6,036,360.00
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4. Identification of the statutory authority permitting other than full and open competition.

☒ This acquisition is conducted under the authority of 41 United States Code (U.S.C.) 253(c)(1) as set forth in Federal Acquisition Regulation (FAR) 6.302-1.

☐ This acquisition is conducted under the authority of section 4202 of the Clinger-Cohen Act of 1996.

☐ This acquisition is conducted under the authority of the Services Acquisition Reform Act of 2003 (41 U.S.C. 428a).

5. Demonstration that the proposed contractor(s) unique qualifications or the nature of the acquisition requires use of the authority cited.

a. **Name and address of the proposed contractor(s):** Parking Management, Inc.
1725 DeSales Street, NW, Washington, DC 20036

b. **Nature of the acquisition and proposed unique qualifications of the contractor(s):**
Parking Management, Inc. (PMI) is the only company that may provide the required services. PMI is the Lessor's contractor for parking services. According to the GSA leases, 383 and 693 unreserved parking spaces shall be available to tenant agency employees and visitors on a non-exclusive basis. "Employee and visitor parking contracts will be procured directly by the tenant agency through a service contract between the Lessor (or Lessor's parking contractor) and the tenant agency". Please view attachment B, GSA lease, Section 1.02 A, page 5.

6. **Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable. Indicate whether a FedBizOpps notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR 5.202 applies.**

In accordance to FAR Part 5.203, contract specialist posted a pre-solicitation in FedBizOpps on November 23, 2012. The posting allowed all responsible sources to submit capability statements, proposals, or quotations. Please view attachment C, Pre-solicitation notice.

7. **Determination by the Contracting Officer that the anticipated cost/price to the Government will be fair and reasonable.**

Office of Research Facilities, Office of Acquisitions proposes awarding a firm-fixed price contract to acquire the necessary services. In accordance to FAR Part 16.202-2 (c), a firm-fixed price contract is suitable for acquiring commercial services based on definite specifications and when the contracting officer can establish fair and reasonable prices when available cost or pricing information permits realistic estimates of the probable costs of performance.

In accordance to FAR Part 15.403-1(b)(3), the contracting officer shall not require certified costs or pricing data to support any action when a commercial item is being acquired. In accordance to FAR Part 15.403-3 (a) (i), in those acquisitions that do not require certified costs or pricing data the contracting officer shall obtain whatever data are available from Government or secondary sources and use that data in determining a fair and reasonable price. Price analysis shall be used when certified cost or pricing data are not required. The contracting officer will ensure fair and reasonable prices in accordance to FAR Part 15.404-1, through comparison of proposed prices to historical prices paid and comparison of proposed prices with prices obtained through market research for same or similar items.

An audit of the contractor's financial and accounting records or related data of the contractor's incurred and estimated cost will not be performed.

8. **Description of the market research conducted (see FAR Part 10) and the results, or a statement of the reasons market research was not conducted.**

In accordance to FAR Part 10, market research was conducted by the program office and contracting officer. The real estate specialist compiled a detailed list of NIH office spaces/buildings near 6707 and 6701 Democracy Plaza. The data contained the monthly parking fees for the office buildings. Please view attachment D.

In addition, the contracting officer contacted six parking facilities near Democracy Plaza in Bethesda, MD. The result from the contracting officer's market research is as follows:

Market Research Requisition 2779133		
Conducted November 2012		
Parking Facility	Location	Notes
Colonial Parking	6420 Rockledge Drive, Bethesda, MD	Called company at 202-295-8100, Parking spaces are only available to tenants, cost: \$65.00 per space, per month
Monument Parking, Inc.	11200 Rockville Pike, Rockville, MD	Called company at 301-881-8185. Parking spaces are occupied by tenants. Cost: Un-reserve \$85.00 per space, per month

Monument Parking, Inc.	11140 Rockville Pike, Rockville, MD	Called company at 301-468-2997. Parking spaces are for tenants. Cost: Un-reserve \$70.00 per space, per month
Executive Building	6006 Executive Blvd.	In previous acquisition, HHSN292201300001C, Government lease parking spaces at a rate of \$95.00 per space.
Landmark Parking	Democracy Center 6903 Rockledge Drive, Bethesda, MD	Called 410-837-5600, Cost: \$80.00 per space, per month, parking facility is under Democracy Center and is for tenants only
Penn Parking, Inc.	11921 Rockville Pike, Rockville, MD	Call parking manager at 301-536-8838, parking spaces are not available, \$95 per space, per month for un-reserve spaces.

9. Any other facts supporting the use of other than full and open competition: N/A

10. Listing of sources, if any, that expressed, in writing, an interest in the acquisition: One company, Williams Group, Inc., inquired about the acquisition via email on November 26, 2012. The contracting officer promptly responded to the email and explained the purpose of the pre-solicitation notice in FedBizOpps. Williams Group, Inc. did not respond to the pre-solicitation notice.

Furthermore, no other sources have expressed interest in writing to the proposed acquisition.

11. Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisitions for the required supplies or services.

Similar acquisitions are anticipated. In order to avoid continued noncompetitive acquisitions for similar services, it is recommended that future property leases specify the agency's option to procure parking spaces in accordance to local parking code. It is also contemplated the Lessor's parking contractor will not be obligated to provide parking spaces for tenant agency employees. This action will allow the Office of Acquisition to consider other parking facilities within a certain proximity while achieving the mission of NIH.

12. Program office certification.

This is to certify that the portions of this justification that have been developed by the undersigned program office personnel, including supporting information and/or data verifying the Government's minimum needs, schedule requirements and other rationale for other than full and open competition, are accurate and complete.

Official	Name & Title	Signature	Date
Project Officer	Monica Hughes, Realty Specialist	<i>Monica Hughes</i>	1/29/2013
Project Officer's Immediate Supervisor	Pat Rice, Branch Chief of Real Estate of Contracting Branch	<i>Pat Rice</i>	1/30/13
Head of the Sponsoring Program Office	Sharon Bruce, Director of ORF Office of Acquisition	<i>Sharon Bruce</i>	1/31/13

13. Contracting Officer certification.

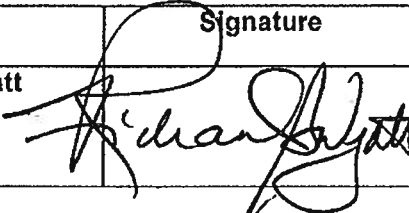
This is to certify that the justification for the proposed acquisition has been reviewed and that to the best of my knowledge and belief the information and/or data provided to support the rationale and recommendation for approval is accurate and complete.

Official	Name & Title	Signature	Date
Contracting Officer	Evron Rollins, Contracting Officer	<i>Evron Rollins</i>	2-1-13

14. Chief of the Contracting Office and Head of the Contracting Activity signature(s).

Official	Name & Title	Signature	Date
Chief of the Contracting Office	Sharon Bruce, Director of ORF Office of Acquisition	<i>Sharon Bruce</i>	1/31/13
Head of the Contracting Activity	Diane Frasier, Director of the Office of Acquisition Management and Policy	Mary C. Armstead <small>Digitally signed by Mary C. Armstead DN: cn=Mary C. Armstead, email=maryc.armstead@hhs.gov, o=HHS, ou=Office of Acquisition Management and Policy, c=US Date: 2013.02.01 15:51:54 -0500</small>	

15. Competition Advocate signature.

Official	Name & Title	Signature	Date
Competition Advocate	Dr. Richard G. Wyatt		2/19/13

16. HHS Senior Procurement Executive signature.

Official	Name & Title	Signature	Date
HHS Senior Procurement Executive	N/A	N/A	N/A